IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the July 19, 2006
Criminal Misc. Application No. _____ of 2006
In
Criminal Bail Application No. 226 of 2006

Order on the bail application of accused

CRIMINAL SIDE
Budhdha Singh S/o Harnam Singh
R/o village Itabba
P.S. Bajpur
District U. S. Nagar ….Applicant

Versus

State of Uttaranchal ...Opposite Party

Arising out case crime No.2115 of 2005
Under Sections 420, 120B IPC
P.S. Bajpur
District U.S. Nagar

Hon'ble B.C. Kandpal, J.

Param Jeet Singh was issued notice by this Court vide order dated 17.05.2006 to show cause as to why the proceedings under the Contempt of Court not be initiated against him.

2. Param Jeet Singh appeared before this Court on 19.05.2006 and this Court framed the charges against him which read as follows:-

CHARGE

You- Param Jeet Singh S/o Sri Buddha Singh, R/o Itabba, P.S. Bajpur, District U.S. Nagar are charged as follows:-

That you on 03.01.2006 moved a Bail Application No.15/2006 (Budha Singh S/o Harnam Vs. State) before this Court in case crime No.2115/2005 u/s 420, 120B IPC, P.S. Bajpur, District U.S. Nagar. In that bail application, you have filed your

affidavit which was sworn on 11.12.2005. Thereafter, the said bail application No.15/2006 was taken up on several dates i.e. 04.01.06, 12.01.06, 18.01.16, 07.02.06, 01.03.06 & 01.05.06 etc. Meanwhile, another Bail Application bearing No.226/2006 was filed before this Court in Case Crime No.2115/2005 u/s 420, 120B IPC, P.S. Bajpur, District U.S. Nagar during the pendency of first bail application and in that bail application you have filed wrong affidavit sworn on 09.03.2006 that it is a first bail application in respect of case crime No.2115/2005 u/s 420, 120B IPC, P.S. Bajpur, District U.S. Nagar.

You have filed the successive bail application without waiting the disposal of the first bail application. In this way, you have tried to misguide the Court. Therefore, you have obstructed the administration of justice amounting to contempt of Court which is punishable under Article 215 of the Constitution of India.

AND I hereby direct that you be tried by the Court with the aforesaid charge.

(J.C.S. Rawat J.)
Judge,
High Court of Uttaranchal

Dt. 19.05.2006"

3. Today, Param Jeet Singh along with his counsel Sri Pankaj Purohit is present before the Court. I heard Sri Pankaj Purohit, learned counsel for the contemnor and perused the reply submitted by him.

4. The record reveals that contemnor – Param Jeet Singh has given false affidavits before this court concealing the material facts that the successive bail application, concealing the existence of the first bail application, was filed without waiting the disposal of the first bail application. The

contemnor has therefore committed a grave offence by duping the Court and has also tried to misguide the Court. Any wrong statement/version given before the Court of concealing the material fact is indicative of this fact that the person who is doing the mischief has no respect with regard to the majesty of Court. The contemnor, therefore, obstructed the administration justice, which certainly amounts to Contempt of Court punishable under Article 215 of the Constitution of India.

5. Keeping in view the gravity of the offence committed by the contemnor, although I propose to award the deterrent punishment to the contemnor but in view of the fact that he has tendered unconditional apology and has assured the Court that this type of act will not be repeated by him in future, I punish the contemnor for a penalty of Rs. 5,000/-.

6. The contemnor is punished for the charges levelled against him and is accordingly imposed a penalty of Rs. 5,000/-.

7. Learned counsel for the contemnor undertakes before the Court that the penalty of Rs. 5,000/- imposed against the contemnor shall be deposited in the Cash Section of the High Court today.

8. With the aforesaid observations, the notice issued against the contemnor is hereby withdrawn.

(B.C. Kandpal, J.)

19.07.2006
ASWAL